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6 Attorneys for Defendant LAWRENCE KAM

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 ANDREW BOYD,

NO. C07-03595 JCS

12 Plaintiff,

**ANSWER OF DEFENDANT  
LAWRENCE KAM TO COMPLAINT**

13 vs.

**DEMAND FOR JURY TRIAL**

14 LAWRENCE KAM,

15 Defendant.  
16 \_\_\_\_\_/

17 Defendant LAWRENCE KAM now responds to and answers Plaintiff's Complaint.

- 18 1. In answer to paragraph 1 of the complaint, Defendant admits that jurisdiction is  
19 appropriate in federal court.
- 20 2. In answer to paragraph 2 of the complaint, Defendant admits that venue is  
21 appropriate in the United States District Court, Northern District of California.
- 22 3. In answer to paragraph 3 of the complaint, Defendant admits that Plaintiff's  
23 complaint is for damages based upon an allegation of negligence arising out of  
24 a rear-end motor vehicle accident that occurred on July 14, 2005. However,  
25 Defendant denies the conclusion he alone was negligent in the operation of his  
26 motor vehicle based upon lack of information and belief in that Plaintiff's own  
27 comparative negligence has not yet been established.

- 1 4. In answer to paragraph 4 of the complaint, Defendant admits Plaintiff's complaint  
2 seeks compensatory and special damages.
- 3 5. In answer to paragraph 5 of the complaint, Defendant admits based upon  
4 information and belief.
- 5 6. In answer to paragraph 6 of the complaint, Defendant admits.
- 6 7. In answer to paragraph 7 of the complaint, Defendant admits.
- 7 8. In answer to paragraph 8 of the complaint, Defendant admits.
- 8 9. In answer to paragraph 9 of the complaint, Defendant denies the conclusion he  
9 was proceeding at 65 m.p.h. at a distance of approximately 20 feet behind  
10 Plaintiff. Defendant lacks sufficient knowledge or belief to admit or deny the  
11 allegation that traffic began to slow and eventually came to a stop, or that Plaintiff  
12 had been stopped for a brief period of time, and on that basis deny each and  
13 every remaining allegation. Defendant admits that Plaintiff's vehicle was struck  
14 in the rear by Defendant's vehicle.
- 15 10. In answer to paragraph 10 of the complaint, Defendant denies the conclusion he  
16 was negligent, careless or reckless in the operation of his motor vehicle based  
17 upon lack of information and belief in that Plaintiff's own comparative negligence  
18 has not yet been established.
- 19 11. In answer to paragraph 11 of the complaint, Defendant incorporates by this  
20 reference their responses to paragraphs 1-10, above, and repeat them as if fully  
21 set forth herein..
- 22 12. In answer to paragraph 12, of the complaint, Defendant denies each and every  
23 allegation.
- 24 13. In answer to paragraph 13 of the complaint, Defendant denies each and every  
25 allegation.
- 26 14. In answer to paragraph 14 of the complaint, Defendant denies each and every  
27 allegation and further denies that Plaintiff has been injured or damaged in the sum

1 alleged, in any other sum, or otherwise, or at all.

2 15. In answer to paragraph 15 of the complaint, Defendant denies each and every  
3 allegation

4 16. In answer to paragraph 16 of the complaint, Defendant denies each and every  
5 allegation.

6 **AFFIRMATIVE DEFENSES**

7 **First Affirmative Defense**

8 Defendant alleges that plaintiff and others were negligent in and about the matters  
9 referred to in said Complaint, and that such negligence bars and/or diminishes plaintiff's  
10 right to recovery against this answering defendant. Should plaintiff recover damages  
11 against this defendant, said defendant is entitled to have the amount abated, reduced, or  
12 eliminated to the extent plaintiff's negligence caused or contributed to his damages, if any  
13 there were.

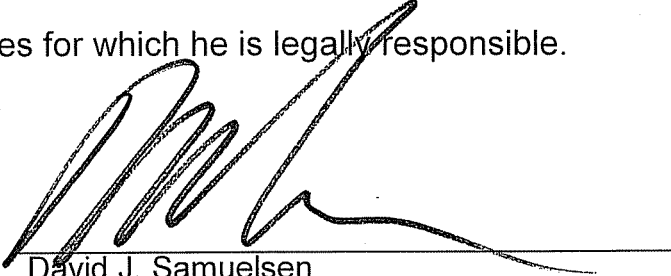
14 **Second Affirmative Defense**

15 Defendant alleges that plaintiff's Complaint fails to state a claim against this answering  
16 defendant.

17 WHEREFORE, this answering defendant prays that plaintiff takes nothing by  
18 reason of said Complaint; that this answering defendant be awarded costs of suit  
19 herein and such other and further relief that the Court deem just; that if this  
20 answering defendant is found liable, that the degree of responsibility and liability for  
21 the resulting damages be determined, and this answering defendant be held liable for  
22 only the portion of the total damages for which he is legally responsible.

23 DATED: September 26, 2007

24  
25 BY

26   
27 David J. Samuelsen  
Attorneys for Defendant  
LAWRENCE KAM

1 Pursuant to Rule 38 of the Federal Rules of Civil Procedure and Rule 3-6(a) of the  
2 Federal Rules - Northern District, Defendant LAWRENCE KAM hereby demands a jury trial.

3  
4 DATED: September 26, 2007

5  
6 BY



7 David J. Samuelsen  
8 Attorneys for Defendant  
9 LAWRENCE KAM  
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**CERTIFICATE OF SERVICE**

I am a citizen of the United States, over the age of 18 years. On **September** \_\_\_\_,  
**2007**, I served the attached:

**ANSWER TO COMPLAINT**

**on the interested parties in said cause, by placing ( X ) the original; ( ) a true copy**  
thereof enclosed in a sealed envelope addressed as follows:

Walter Lee Davis  
22320 Foothill Blvd., #600  
Hayward, CA 94541

☒ BY MAIL: I caused such envelope(s) to be placed in the United States mail,  
postage fully prepaid, in accordance with the standard business practices of this  
office, in the city of Alameda, California.

☐ BY HAND: I caused such envelope to be picked up and delivered to the office(s) of  
the addressee(s) in accordance with the standard business practices of this office.

☐ BY OVERNIGHT DELIVERY: I caused such envelope to be delivered to  
[OVERNIGHT SERVICE NAME] for delivery to the office(s) of the addressee(s) as  
listed above the following day in accordance with the standard business practices of  
this office.

☐ BY FACSIMILE TRANSMISSION: I caused a copy of such document to be sent via  
facsimile to the office(s) of the addressee(s) as listed above in accordance with the  
standard business practices of this office. A true and correct copy of the facsimile  
confirmation sheet(s) is attached hereto.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct and that this declaration was executed on September \_\_\_\_,  
2007, Alameda, California.

  
CHRISTI BIDWELL

Boyd v. Kam

United States District Court Northern District of California Case No.: C07-03595